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5 [sly@stevenyarmylaw.com](mailto:sly@stevenyarmylaw.com)  
5 Attorney for the Debtors  
6 and Debtors-in-Possession

7 **UNITED STATES BANKRUPTCY COURT**

8 **DISTRICT OF NEVADA**

9  
10 In re:  
11 NATIVE ENERGY FARMS, LLC,  
12 Debtor,

Case No.: 14-13482-ABL

Chapter 11

**Hearing Date:** TBD

**Hearing Time:** TBD

**Location:** 300 Las Vegas Blvd South, 3rd Floor, Courtroom 1, Las Vegas, Nevada

**Judge:** Honorable Judge August B. Landis

15 **DECLARATION OF STEVEN L. YARMY, ESQ. CERTIFYING VOTING  
16 ON AND TABULATION OF BALLOTS ACCEPTING AND REJECTING  
17 THE DEBTOR'S PREPACKAGED PLAN OF REORGANIZATION**

18 STEVEN L. YARMY, ESQ., deposes under penalty of perjury and states, to wit:

19 1. I am the attorney for the Debtor and Debtor in Possession and am authorized to make  
20 this declaration and unless otherwise indicated, I have personal knowledge of the facts set forth herein.

21 **The Pre Packaged Plan and Pre-Solicitation of Votes Thereon**

22 2. On March 7, 2014, the Debtor commenced the Solicitation of votes to accept or reject  
23 the Plan. Specifically, the Debtor caused the distribution of copies of the Disclosure Statement, the  
24 Plan and the Ballots (as defined below) (collectively, the "Solicitation Materials") to each person or  
25 entity (or to its applicable nominee) that was a holder of record (a "Holder") as of March 7, 2014 (the  
26 "Voting Record Date") as follows: (i) the SMI Unsecured Claims; (ii) the Global Guidance Unsecured  
27 Claims; (iii) the Equity Interests.

1       3. The Debtor established April 30, 2014 at 5:00 p.m., prevailing Pacific time, as the  
2 deadline (the “Voting Deadline”) by which acceptances and rejections of the Plan needed to be  
3 received (either physically or in pdf format via email or fax) by Steven L. Yarmy, Esq. (the “Voting  
4 Agent and Debtor’s Counsel”) in order to be counted. The Debtor did not solicit votes to accept or  
5 reject the Plan from Holders of Interests classified in Class 3, each of which was deemed to have  
6 accepted the Plan pursuant to section 1126(f) of the Bankruptcy Code because they are unimpaired.  
7

8       4. The Holders of Claims or Interests entitled to vote to accept or reject the Plan pursuant  
9 to the provisions of the Bankruptcy Code were (i) Holders of Class 1—SMI/ISC, (ii) Holders of Class  
10 2—Global Guidance General Unsecured Claims.

11       5. On May 16, 2014, the undersigned Voting Agent prepared this Voting Declaration  
12 confirming the results of the prefiling Solicitation. Specifically, 100% in amount and 100% in number  
13 of Impaired Claims and Interests that were entitled to vote to accept or reject the Plan, voted to accept  
14 the Plan.  
15

## **The Solicitation Procedures**

17       6. The solicitation complies with sections 1125(g) and 1126(b) of the Bankruptcy Code,  
18 Bankruptcy Rules 3017(d) and (e) (that the debtor provided the impaired classes with the materials  
19 required to be provided in connection with the solicitation and the procedures used in such solicitation  
20 were adequate) and Bankruptcy Rule 3018(b) (that the solicitation period not be unreasonably short).  
21  
22 Based on the facts detailed above and as demonstrated below, the Debtor has complied with sections  
23 1125(g) and 1126(b) of the Bankruptcy Code, and the Solicitation Period (as defined below) was  
24 reasonable and complied with the terms of Bankruptcy Rule 3018(b) and the Solicitation Procedures  
25 complied with the requirements of section 1125(g) and Bankruptcy Rules 3017(d) and (e).

1           **The Solicitation Complies with 11 U.S.C. §§ 1125(g) and 1126(b)**

2       7.       Sections 1125(g) and 1126(b) of the Bankruptcy Code govern the acceptance of a plan  
3 of reorganization by a holder of a claim or interest prior to the commencement of a chapter 11 case.

4       Section 1125(g) provides:

5                     (a) Notwithstanding subsection (b), an acceptance or rejection of the plan may be  
6 solicited from a holder of a claim or interest if such solicitation complies with  
7 applicable nonbankruptcy law and if such holder was solicited before the  
8 commencement of the case in a manner complying with applicable nonbankruptcy law.

9  
10      11 U.S.C. § 1125(g).

11       8.       Section 1126(b) provides:

12                     (b) For the purposes of subsections (c) and (d) of this section, a holder of a  
13 claim or interest that has accepted or rejected the plan before the  
14 commencement of the case under this title is deemed to have accepted or  
15 rejected such plan, as the case may be, if –

16                             (1) the solicitation of such acceptance or rejection was in compliance  
17 with any applicable nonbankruptcy law, rule, or regulation governing  
18 the adequacy of disclosure in connection with such solicitation; or  
19                             (2) if there is not any such law, rule, or regulation, such acceptance or  
20 rejection was solicited after disclosure to such holder of adequate  
21 information, as defined in section 1125(a) of this title.

22  
23      24      11 U.S.C. § 1126(b). The Debtor respectfully submits that the Solicitation Materials and the  
25      Solicitation Procedures satisfy sections 1125(g) and 1126(b) of the Bankruptcy Code.

26       9.       The Debtor has complied with section 1126(b)(2) of the Bankruptcy Code. Section  
27      1126(b)(2) provides that a debtor may only solicit acceptance or rejection of a plan prior to the  
28

1 commencement of a chapter 11 proceeding after disclosure of “adequate information, as defined in  
2 section 1125(a) of this title.” 11 U.S.C. § 1126(b)(2). The Disclosure Statement, included in the  
3 Solicitation Materials and utilized to solicit acceptances and rejections of the Plan, contains adequate  
4 information and satisfies the requirements of section 1125(a).

### **Classes Entitled to Vote**

7        10. In accordance with the Pre-packaged Plan and the Voting Procedures, only claim  
8 holders in Classes 1 and 2 were entitled to vote on the Plan.

9        11. SLY tabulated votes on the Plan in accordance with the tabulation rules in the Voting  
10 Procedures on each Ballot. As of the date and time of this Affidavit, SLY has received 2 ballots  
11 accepting the debtor's plan. SLY did not receive any written objections or votes rejecting

13        12. In Class 1, SMI/ICS Corporation, ACCEPTED the Plan. See attached ballot. Secured  
14        Claim of \$1,298,000.00.

13. Of the votes received in Class 1, 100% of Class accepted the Plan.

16        14. In Class 2, GLOBAL GUIDANCE GROUP, LLC, ACCEPTED the Plan. See  
17 attached ballot. Unsecured Claim of \$30,000.00.

15. Of the votes received in Class 2, 100% of Class accepted the Plan.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 16, 2014

/s/ Steven L. Yarmy

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[sly@stevenyarmylaw.com](mailto:sly@stevenyarmylaw.com)  
28 *Attorney for Debtor*

**BALLOTS**

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6 Attorneys for the Debtors  
And Debtors-in-Possession

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEVADA**

In re:  
NATIVE ENERGY FARMS, LLC,  
Debtors,

- ) Case No.:
- )
- ) Chapter 11
- )
- ) **Hearing Date:**
- ) **Hearing Time:**
- ) **Location:** 300 Las Vegas Blvd South, 3rd
- ) Floor, Las Vegas, Nevada
- ) **Judge:** Not Yet Filed

**BALLOT FOR HOLDERS OF CLASS 1 CLAIM TO ACCEPT OR REJECT  
PRE-PACKAGED CHAPTER 11 PLAN OF REORGANIZATION FOR  
NATIVE ENERGY FARMS, LLC DATED MARCH 7, 2014**

On March 7, 2014, the above captioned-debtor (the “Debtor”) commenced soliciting acceptances of its proposed pre-packaged Plan of Reorganization dated March 7, 2014 (the “Plan”) and distributed a Disclosure Statement (the “Disclosure Statement”) in connection with the Plan. Pursuant to the Plan, you have right to vote on whether to accept or reject the Plan.

**You should review the Plan and the Disclosure Statement before you vote. You may wish to seek legal advice concerning the Plan and Disclosure Statement and your classification and treatment under the Plan and Disclosure Statement. Your claim has been place in Class [1] under the Plan and Disclosure Statement. If you hold claims or equity interests in more than one class, you will receive a ballot for each class in which you are entitled to vote.**

If your Ballot is not received on or before 5:00 pm prevailing Pacific Time on April 30, 2014, and such deadline is not extended, your vote will not count as either an acceptance or rejection of the Plan.

**If the Plan is confirmed by the Bankruptcy Court, it will be binding on you whether or not you vote.**

1                   **ACCEPTANCE OR REJECTION OF THE PLAN**

2                   The undersigned, **SMI/ISC CORPORATION**, the holder of a **Class 1** claim against the  
3 Debtor, in the unpaid principal amount of \$ 1,298,000.00/100.

4                   (Check one of the two boxes only)

5                    ACCEPTS THE PLAN

6                    REJECTS THE PLAN

7                   Dated: April 16, 2014

8                   **SMI/ISC CORPORATION**

9                   Signature: Carrie Flotter

10                  Printed Name: Carrie Flotter

11                  Title: President

12                  Address: 4295 S Ft Apache #130

13                  LAS VEGAS NV 89147

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7 [sly@stevenyarmylaw.com](mailto:sly@stevenyarmylaw.com)  
8 Attorneys for the Debtors  
9 And Debtors-in-Possession

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEVADA

9 In re: ) Case No.:  
10 NATIVE ENERGY FARMS, LLC, )  
11 Debtors, ) Chapter 11  
12 ) Hearing Date:  
13 ) Hearing Time:  
 ) Location: 300 Las Vegas Blvd South, 3rd  
 ) Floor, Las Vegas, Nevada  
 ) Judge: Not Yet Filed

**BALLOT FOR HOLDERS OF CLASS 2 CLAIM TO ACCEPT OR REJECT  
PRE-PACKAGED CHAPTER 11 PLAN OF REORGANIZATION FOR  
NATIVE ENERGY FARMS, LLC DATED MARCH 7, 2014**

On March 7, 2014, the above captioned-debtor (the "Debtor") commenced soliciting acceptances of its proposed pre-packaged Plan of Reorganization dated March 7, 2014 (the "Plan") and distributed a Disclosure Statement (the "Disclosure Statement") in connection with the Plan. Pursuant to the Plan, you have right to vote on whether to accept or reject the Plan.

You should review the Plan and the Disclosure Statement before you vote. You may wish to seek legal advice concerning the Plan and Disclosure Statement and your classification and treatment under the Plan and Disclosure Statement. Your claim has been place in Class [ 2 ] under the Plan and Disclosure Statement. If you hold claims or equity interests in more than one class, you will receive a ballot for each class in which you are entitled to vote.

If your Ballot is not received on or before 5:00 pm prevailing Pacific Time on April 30, 2014, and such deadline is not extended, your vote will not count as either an acceptance or rejection of the Plan.

If the Plan is confirmed by the Bankruptcy Court, it will be binding on you whether or not you vote.

1                   **ACCEPTANCE OR REJECTION OF THE PLAN**

2                   The undersigned, **GLOBAL GUIDANCE GROUP, LLC**, the holder of a **Class 1** claim  
3 against the Debtor, in the unpaid principal amount of \$ 30,000.00.

4                   (Check one of the two boxes only)

5                    **ACCEPTS THE PLAN**

6                   [ ] **REJECTS THE PLAN**

7

8                   Dated: April 25, 2014

9

10                  **GLOBAL GUIDANCE GROUP LLC**

11                  Signature: Mike Nelson

12                  Printed Name: Mike Nelson

13                  Title: Member

14                  Address: 428 Brightman Ave

15                  N Las Vegas, NV 89004

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1                   **CERTIFICATE OF SERVICE**

2                   Pursuant to Fed.R.Bankr.P. 2002 and LR 2002, I certify that on May 16, 2014, I deposited a  
3 true and correct copy of the foregoing through the:

4                   **CMECF System:**

5                   U.S. TRUSTEE - LV - 11  
6                   [USTPRegion17.lv.ecf@usdoj.gov](mailto:USTPRegion17.lv.ecf@usdoj.gov)

7                   **United States First Class Mail to:**

9                   NATIVE ENERGY FARMS, LLC  
10                  1132 Castle Point Ave  
Henderson, NV 89074

11                  Coastal Band of the Chumash Nation  
12                  Attn: Venise Miller  
4700 Arizona Ave  
13                  Atascadero, CA 93422

14                  County of Santa Barbara  
15                  Treasurer - Tax Collector  
PO Box 579  
16                  Santa Barbara, CA 93102

17                  Dept. of Employment, Training & Rehab  
18                  Employment Security Division  
500 East Third Street  
19                  Carson City, NV 89713

20                  GLOBAL GUIDANCE GROUP, LLC  
428 BRIGHT MOON AVENUE  
21                  North Las Vegas, NV 89084

22                  Internal Revenue Service  
PO BOX 7346  
23                  Philadelphia, PA 19101-7346

24                  Kote Lotah  
48825 SAPAQUE VALLEY ROAD  
25                  Bradley, CA 93426

27                  NEVADA DEPT OF TAXATION  
BANKRUPTCY SECTION  
28                  555 E WASHINGTON AVE

1 #1300  
2 Las Vegas, NV 89101

3 Securities and Exchange Commission  
4 Attention Bankruptcy Counsel  
5 5670 Wilshire Blvd Fl 11  
6 Los Angeles, CA 90036

7 SMI/ISC CORPORATION  
8 Attn: Carrie Flodter - President  
9 4295 S FORT APACHE  
10 Suite 130  
11 Las Vegas, NV 89147

12 State of NV Dept. of Motor Vehicles  
13 Attn: Legal Division  
14 555 Wright Way  
15 Carson City, NV 89711

16 State of NV, Dept of Employment  
17 500 E. Third Street  
18 Carson City, NV 89713

19  
20 /s/ Chris Craig  
21 Law Clerk  
22  
23  
24  
25  
26  
27  
28